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FAX COVER SHEET

DATE: Feb. 4, 2002

Recipient: Carlyn Winter Prisk(3HS11)

Company: USEPA

Recipient fax number: 215 814 3005

Recipient phone number: 215 914 2625

Sender: Mitchell Burack

Total pages including cover:11

Comments:

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BURACK**ENVIRONMENTAL LAW OFFICES***Mitchell E. Burack*E-mail: mburack@mebela.comWeb: www.mebela.com

Feb. 4, 2002

2 Bala Plaza, Suite 300
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Via Fax and Express Mail

Ms. Carlyn Winter Prisk (3HS11)
US EPA Region III
1650 Arch St.
Philadelphia, PA 19103-2029

Re: Response of Astral Plane Inc. to 104(e) letter pertaining to
Lower Darby Creek

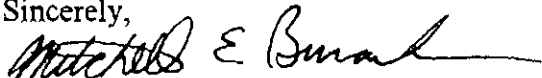
Dear Ms. Prisk:

Enclosed is the 104(e) response of Astral Plane Inc. to the information request dated January 3, 2002, pertaining to the Lower Darby Creek site. All available information responsive to the information request has been produced.

As reflected by the response, Astral Plane is a restaurant business which generates food waste, consumer product packaging waste and other materials which are "essentially the same as waste normally generated by a household". Astral Plane is also a business employing less than 100 individuals. Therefore there is an exclusion from any CERCLA liability, pursuant to new Section 107(p) of CERCLA, which was created by the recent Small Business Liability Relief and Brownfields Revitalization Act.

Please feel free to contact me with any questions regarding this response.

Sincerely,



Mitchell E. Burack

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:44PM P9

**RESPONSE OF ASTRAL PLANE INC. TO CERCLA 104(e) INFORMATION REQUEST
PERTAINING TO THE LOWER DARBY CREEK SITE**

1. State the name of your company, its mailing address, and telephone number.
Further identify:

**Astral Plane Inc.
1708 Lombard Street
Philadelphia, PA 19146
215 546-6230**

a. The dates and states of incorporation of your company;

PA-1973

b. The date and original state of incorporation of your company, and

PA-1973

c. The parent corporation of your company, if any, and all subsidiaries or other affiliated entities. **N/A**

2. What is the current nature of the business or activity conducted at your establishment(s) in the Philadelphia, Pennsylvania area? What was the nature of your business or activity between 1958 and 1976? Please describe in detail. If the nature of your business or activity changed from the period of 1958 to 1976 to the present, please provide a detailed explanation of the changes to date.

**Restaurant business, beginning in 1973, essentially unchanged
to present time**

3. Identify all persons currently or formerly employed by your establishment(s) who have or may have personal knowledge of your operations and waste disposal practices between 1958 and 1976 at your facilities in the Philadelphia, Pennsylvania area. For each such person, state that person's employer, job title, dates of employment, current address, and telephone number. If the current telephone number or address is not available, provide the last known telephone number or last known address of such person.

N/A

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:43PM P8

4. Identify the owners and operators of your establishment(s) in the Philadelphia, Pennsylvania area from 1958 to the present. For each owner and operator further provide:
- a. The dates of their operation;
 - b. The nature of their operation; and
 - c. All information or documents relating to the handling and/or generation, storage, treatment, recycling, formulation, disposal, or transportation of any hazardous substance, hazardous waste, pollutant, contaminant, or other waste during the period in which they were operating the establishment(s).

-Reed Apaghatian

General Manager/Owner, 1973-present

-Robert Selke

General Manager/Owner, 1973-1998

-David Selke

Chef/Owner, 1976-1999

-Pierre Wiegand

Chef/Owner, 1974-75

5. Describe the types of documents generated or maintained by your establishment(s) in the Philadelphia, Pennsylvania area concerning the handling and/or generation, storage, treatment, transportation, recycling, formulation, or disposal of any hazardous substance, hazardous waste, pollutant, contaminant or other waste between 1958 and 1976.

I do not possess or clearly recall any documents created during this time period. Upon information and belief, we likely kept receipts showing billing and payment for periodic municipal waste pick up.

- a. Provide a description of the information included in each type of document and identify the person who was/is the custodian of the documents;
- b. Describe any permits or permit applications and any correspondence between your company and/or establishment(s), and any regulatory agencies regarding

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:43PM P7

the transportation and disposal of such wastes; and

- c. Describe any contracts or correspondence between your company and/or establishment(s) and any other company or entity regarding the transportation and disposal of such wastes.

- 6. Identify every hazardous substance used, generated, purchased, stored, or otherwise handled at your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. Provide chemical analyses and Material Safety Data Sheets ("MSDS") With respect to each such hazardous substance, further identify:

N/A

- a. The process(es) in which each hazardous substance was used, generated, purchased, stored, or otherwise handled;
- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such hazardous substance;
- c. The annual quantity of each such hazardous substance used, generated, purchased, stored, or otherwise handled;
- d. The beginning and ending dates of the period(s) during which such hazardous substance was used, generated, purchased, stored, or otherwise handled;
- e. The types and sizes of containers in which these substances were transported and stored; and
- f. The persons or companies that supplied each such hazardous substance to your company.

- 7. Identify all by-products and wastes generated, stored, transported, treated, disposed of; released, or otherwise handled by your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976. With respect to each such by-product and waste identified, further provide:

Trash and food waste from restaurant business

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:42PM P6

- a. The process(es) in which each such by-product and waste was generated, stored, transported, treated, disposed of, released, or otherwise handled;

Stored for municipal refuse pickup in standard dumpster or large trash cans

- b. The chemical composition, characteristics, and physical state (solid, liquid, or gas) of each such by-product or waste;

Solid

- c. The annual quantities of each such by-product and waste generated, stored, transported, treated, disposed of, released, or otherwise handled;

unknown

- d. The types, sizes, and numbers of containers used to treat, store, or dispose of each such by-product or waste;

Unknown but likely stored in dumpster or 2-3 large trash cans.

- e. The name of the individual(s) and/or company(ies) that disposed of or treated each such by-product or waste; and

unknown

- f. The location and method of treatment and/or disposal of each such by-product or waste,

unknown

8. Did your company ever contract with, or make arrangements with Clearview, Eolcroft, Folcroft Annex, Eastern Industrial, Tn-County Hauling, S. Duckly Trash Hauling, Barratt Rupert, McCloskey Engineering, ABM Disposal Services, Marvin Jonas, Jonas Waste Removal, Paolino Company, Schiavo Bros., Inc., Gene Banta Trash Hauling, and/or any other company or municipality to remove or transport material from your establishment(s) in the Philadelphia, Pennsylvania area between 1958 and 1976 for disposal? If so, for each transaction identified above, please identify:

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:42PM P5

Not to my knowledge—our current hauler is BFL, who apparently acquired our account from AAA in 1996.

- a. The person with whom you made such a contract or arrangement;
 - b. The date(s) on which or time period during which such material was removed or transported for disposal;
 - c. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - d. The annual quantity (number of loads, gallons, drums) of such material;
 - e. The manner in which such material was containerized for shipment or disposal;
 - f. The location to which such material was transported for disposal;
 - g. The person(s) who selected the location to which such material was transported for disposal;
 - h. The individuals employed with any transporter identified (including truck drivers, dispatchers, managers, etc.) with whom your establishment dealt concerning removal or transportation of such material; and
 - i. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your possession regarding arrangements made to remove or transport such material.
9. Provide the names, titles, areas of responsibility, addresses, and telephone numbers of all persons *who*, between 1958 and 1976, may have:

N/A

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:41PM P4

- a. Disposed of or treated materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site;
 - b. Arranged for the disposal or treatment of materials at Clearview, Folcroft and Folcroft Annex or other areas of the Site; and/or
 - c. Arranged for the transportation of materials to Clearview, Folcroft and Folcroft Annex or other areas of the Site (either directly or through transshipment points) for disposal or treatment.
10. For every instance in which your establishment(s) disposed of or treated material at Clearview, Folcroft and Folcroft Annex or other areas of the Site, or arranged for the disposal or treatment of material at the Site, identify:
- N/A
- a. The date(s) on which such material was disposed of or treated at the Site;
 - b. The nature of such material, including the chemical content, characteristics, and physical state (i.e., liquid, solid, or gas);
 - c. The annual quantity (number of loads, gallons, drums) of such material;
 - d. The specific location on the Site where such material was disposed of or treated; and
 - e. Any billing information and documents (invoices, trip tickets, manifests, etc.) in your company's or establishment's(s') possession regarding arrangements made to dispose of or treat such material at the Site.
11. Did your establishment(s), or any other company or individual ever spill or cause a release of any chemicals, hazardous substances, and/or hazardous waste, and/or non-hazardous solid waste on any portion of Clearview, Folcroft and Folcroft Annex or any other portion of the Site? If so, identify the following:

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:41PM P3

NO

- a. The date(s) the spill(s)/release(s) occurred;
- b. The composition (i.e., chemical analysis) of the materials which were spilled/released;
- c. The response made by you or on your behalf with respect to the spill(s)/release(s); and
- d. The packaging, transportation, and final disposition of the materials which were spilled/released.

12. Please identify individuals employed by your establishment(s) who were responsible for arranging for the removal and disposal of wastes, and individuals who were responsible for payments, payment approvals, and record keeping concerning such waste removal transactions at your Philadelphia, Pennsylvania area establishments between 1958 and 1976. Provide current or last known addresses and telephone numbers where they may be reached. If these individuals are the same persons identified by your answer to question 3, so indicate.

Robert Selke


13. Did you or any person or entity on your behalf ever conduct any environmental assessments or investigations relating to contamination at Clearview, Folcroft and Folcroft Annex or any other areas of the Site? If so, please provide all documents pertaining to such assessments or investigations.

NO

14. If you have any information about other parties who may have information which may assist the EPA in its investigation of the Site, including Clearview, Folcroft and Folcroft Annex, or who may be responsible for the generation of, transportation to, or release of contamination at the Site, please provide such information. The information you provide in response to this request should include the party's name, address, telephone number, type of business, and the reasons why you believe the party may have contributed to the contamination at the Site or may have information regarding the Site.

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:40PM P2

N/A

15. Representative of your establishment(s):

- a. Identify the person(s) answering these questions on behalf of your establishment(s), including full name, mailing address, business telephone number, and relationship to the company.

**Reed Apaghian—President
1708 Lombard Street
Philadelphia, PA 19146
215 546 6230**

- b. Provide the name, title, current address, and telephone number of the individual representing your establishment(s) to whom future correspondence or telephone calls should be directed.

**Mitchell Burack
Burack Environmental Law Offices
2 Bala Plaza Ste 300
Bala Cynwyd, PA 19004
610 660 7790
fax: 610 660 9084**

16. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. Your document retention policy;

Business documents are generally retained for a maximum of 7 years.

- b. A description of how the records were/are destroyed (burned, archived, trashed, etc.) and the approximate date of destruction;

FROM : ASTRAL PLANE RESTAURANT

FAX NO. :

Jan. 23 2001 03:40PM P1

Documents from the period up to 1976 would have been trashed no later than 1983.

- c. A description of the type of information that would have been contained in the documents and

Presumably we had at one time, receipts indicating billing and payment for periodic municipal trash pick up.

- d. The name, job title, and most current address known to you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; and the person(s) who would have been responsible for the destruction of these documents.

Robert Selke (see above)

The above responses are true and accurate to the best of my knowledge:

 Date: 2/1/02
Reed Apaghian
President, Astral Plane Inc.